

AMENDED IN ASSEMBLY APRIL 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 652

Introduced by Assembly Member Skinner

February 25, 2009

~~An act to amend Section 35400 of the Vehicle Code, relating to An~~
~~act to add Section 35400.7 to the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 652, as amended, Skinner. Vehicles: vehicle length limitation.

(1) Existing law imposes a 40-foot limitation on the length of vehicles that may be operated on the highways, with specified exemptions. Existing law exempts from this limitation an articulated bus or trolley and a bus, except a school bus, that is operated by a public agency or passenger stage corporation that is used in a transit system if it is equipped with a folding device attached to the front of the vehicle that is designed and used exclusively for transporting bicycles, does not materially affect efficiency or visibility of vehicle safety equipment, and does not extend more than 36 inches from the front of the body of the bus or trolley when fully deployed. In addition, existing law prohibits a bicycle that is transported on the above described device from having the bicycle handlebars extend more than 42 inches from the front of the vehicle.

~~This bill would revise these exemptions to permit a folding device that extends not more than 40 inches from the front body of the bus or trolley when fully deployed and to permit the transportation of a bicycle with handlebars that extend not more than 46 inches from the front of the vehicle.~~

~~(2) Existing law exempts from the 40-foot limitation a publicly operated bus on certain highways from the 40-foot requirement if the bus is equipped with a folding device designed and used exclusively to transport bicycles and the device does not affect efficiency or visibility of the vehicle safety equipment and does not exceed 36 inches from the front of the body of the bus when fully deployed and if the handlebars of a bicycle that is being transported on the device do not extend more than 42 inches from the front of the bus. In addition, the total length of the bus, including the folding device or load, may not exceed 48.5 feet.~~

~~This bill would revise this exemption to permit a folding device that extends not more than 40 inches from the front body of the bus when fully deployed and to permit the transportation of a bicycle on the above described folding device that has handlebars that extend not more than 46 inches from the front of the bus. In addition, this bill would also require that the total length of the bus, including the folding device or load, not exceed 48.8 feet.~~

~~*This bill would authorize the Alameda-Contra Costa Transit District to install folding devices attached to the front of its buses that are designed and used exclusively for transporting bicycles as long as those devices meet certain requirements, including, but not limited to, extending not more than 40 inches from the front of the bus when fully deployed, and that the handlebars of the bicycles being transported extend not more than 46 inches from the front of the bus. The bill would require that if Alameda-Contra Costa Transit District installs the bicycle racks, it would be required to report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing on or before December 31, 2014, regarding safety issues and mobility improvements.*~~

~~*The bill would make legislative findings and declarations as to the necessity of a special statute.*~~

~~Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 35400.7 is added to the Vehicle Code, to
2 read:
3 35400.7. (a) Notwithstanding Section 35400, the
4 Alameda-Contra Costa Transit District created pursuant to Part
5 1 (commencing with Section 24501) of Division 10 of the Public

1 *Utilities Code may install a folding device attached to the front of*
2 *a bus that is designed and used exclusively for transporting bicycles*
3 *if the following conditions are met:*

4 *(1) The device does not extend more than 40 inches from the*
5 *front body of the bus when fully deployed.*

6 *(2) The device, including all bicycles transported thereon, is*
7 *mounted in a manner that does not materially affect efficiency or*
8 *visibility of vehicle safety equipment.*

9 *(3) The handlebars of a bicycle that is transported on a device*
10 *described in this subdivision does not extend more than 46 inches*
11 *from the front of the bus.*

12 *(b) If a folding device is installed pursuant to subdivision (a),*
13 *the Alameda-Contra Costa Transit District shall submit a report*
14 *to the Assembly Committee on Transportation and the Senate*
15 *Committee on Transportation and Housing on or before December*
16 *31, 2014. The report shall include a summary of any incidents*
17 *where the size of the folding devices was a factor, and a summary*
18 *of the mobility improvements these folding devices provide.*

19 *SEC. 2. Due to the unique circumstances of a large number of*
20 *bicycle riders using buses operated by the Alameda-Contra Costa*
21 *Transit District and the need to determine whether there are safety*
22 *considerations in having 40-inch bicycle racks on the front of its*
23 *buses, it is necessary that, and the Legislature finds and declares*
24 *that, a general statute cannot be made applicable within the*
25 *meaning of Section 16 of Article IV of the California Constitution.*

26 ~~SECTION 1. Section 35400 of the Vehicle Code is amended~~
27 ~~to read:~~

28 ~~35400. (a) A vehicle may not exceed a length of 40 feet.~~

29 ~~(b) This section does not apply to any of the following:~~

30 ~~(1) A vehicle used in a combination of vehicles when the excess~~
31 ~~length is caused by auxiliary parts, equipment, or machinery not~~
32 ~~used as space to carry a part of the load, except that the~~
33 ~~combination of vehicles shall not exceed the length provided for~~
34 ~~combination vehicles.~~

35 ~~(2) A vehicle, when the excess length is caused by the parts~~
36 ~~necessary to comply with the fender and mudguard regulations of~~
37 ~~this code.~~

38 ~~(3) (A) An articulated bus or articulated trolley coach that does~~
39 ~~not exceed a length of 60 feet.~~

~~(B) An articulated bus or articulated trolley coach described in subparagraph (A) may be equipped with a folding device attached to the front of the bus or trolley if the device is designed and used exclusively for transporting bicycles. The device, including any bicycles transported thereon, shall be mounted in a manner that does not materially affect efficiency or visibility of vehicle safety equipment, and shall not extend more than 40 inches from the front body of the bus or trolley coach when fully deployed. The handlebars of a bicycle that is transported on a device described in this subparagraph shall not extend more than 46 inches from the front of the bus.~~

~~(4) A semitrailer while being towed by a motortruck or truck tractor, if the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 40 feet for semitrailers having two or more axles, or 38 feet for semitrailers having one axle if the semitrailer does not, exclusive of attachments, extend forward of the rear of the cab of the motortruck or truck tractor.~~

~~(5) A bus or house car when the excess length is caused by the projection of a front safety bumper or a rear safety bumper, or both. The safety bumper shall not cause the length of the vehicle to exceed the maximum legal limit by more than one foot in the front and one foot in the rear. For the purposes of this chapter, "safety bumper" means a device that is fitted on an existing bumper or which replaces the bumper and is constructed, treated, or manufactured to absorb energy upon impact.~~

~~(6) A schoolbus, when the excess length is caused by the projection of a crossing control arm. For the purposes of this chapter, "crossing control arm" means an extendable and retractable device fitted to the front of a schoolbus that is designed to impede movement of pupils exiting the schoolbus directly in front of the schoolbus so that pupils are visible to the driver while they are moving in front of the schoolbus. An operator of a schoolbus shall not extend a crossing control arm while the schoolbus is in motion. Except when activated, a crossing control arm shall not cause the maximum length of the schoolbus to be extended by more than 10 inches, inclusive of a front safety bumper. Use of a crossing control arm by the operator of a schoolbus does not, in and of itself, fulfill his or her responsibility to ensure the safety of students crossing a highway or private road pursuant to Section 22112.~~

1 ~~(7) A bus, when the excess length is caused by a device, located~~
2 ~~in front of the front axle, for lifting wheelchairs into the bus. That~~
3 ~~device shall not cause the length of the bus to be extended by more~~
4 ~~than 18 inches, inclusive of a front safety bumper.~~

5 ~~(8) A bus, when the excess length is caused by a device attached~~
6 ~~to the rear of the bus designed and used exclusively for the~~
7 ~~transporting of bicycles. This device may be up to 10 feet in length,~~
8 ~~if the device, along with any other device permitted pursuant to~~
9 ~~this section, does not cause the total length of the bus, including~~
10 ~~a device or load, to exceed 50 feet.~~

11 ~~(9) A bus operated by a public agency or a passenger stage~~
12 ~~corporation, as defined in Section 226 of the Public Utilities Code,~~
13 ~~used in transit system service, other than a schoolbus, when the~~
14 ~~excess length is caused by a folding device attached to the front~~
15 ~~of the bus which is designed and used exclusively for transporting~~
16 ~~bicycles. The device, including all bicycles transported thereon,~~
17 ~~shall be mounted in a manner that does not materially affect~~
18 ~~efficiency or visibility of vehicle safety equipment, and shall not~~
19 ~~extend more than 40 inches from the front body of the bus when~~
20 ~~fully deployed. The handlebars of a bicycle that is transported on~~
21 ~~a device described in this paragraph shall not extend more than 46~~
22 ~~inches from the front of the bus. A device described in this~~
23 ~~paragraph may not be used on a bus that, exclusive of the device,~~
24 ~~exceeds 40 feet in length or on a bus having a device attached to~~
25 ~~the rear of the bus pursuant to paragraph (8).~~

26 ~~(10) (A) A bus of a length of up to 45 feet when operating on~~
27 ~~those highways specified in subdivision (a) of Section 35401.5.~~
28 ~~The Department of Transportation or local authorities, with respect~~
29 ~~to highways under their respective jurisdictions, may not deny~~
30 ~~reasonable access to a bus of a length of up to 45 feet between the~~
31 ~~highways specified in subdivision (a) of Section 35401.5 and points~~
32 ~~of loading and unloading for motor carriers of passengers as~~
33 ~~required by the federal Intermodal Surface Transportation~~
34 ~~Efficiency Act of 1991 (P.L. 102-240).~~

35 ~~(B) A bus operated by a public agency and on those highways~~
36 ~~specified in subparagraph (A) may be equipped with a folding~~
37 ~~device attached to the front of the bus that is designed and used~~
38 ~~exclusively for transporting bicycles. The device, including all~~
39 ~~bicycles transported thereon, may be mounted in a manner that~~
40 ~~does not materially affect efficiency or visibility of vehicle safety~~

1 equipment, and may not extend more than 40 inches from the front
2 body of the bus when fully deployed. The handlebars of a bicycle
3 that is transported on a device described in this subparagraph may
4 not extend more than 46 inches from the front of the bus. The total
5 length of the bus, including the folding device or load, may not
6 exceed 48.8 feet. A Route Review Committee, established under
7 this subparagraph, shall review the routes where a public agency
8 proposes to operate a 45-foot bus equipped with a front mounted
9 bicycle rack. The Route Review Committee shall be comprised of
10 one member from the public agency appointed by the general
11 manager of the public agency; one member who is a traffic engineer
12 and is employed and selected by the public agency that has
13 jurisdiction over the largest proportional share of routes among
14 all affected agencies; and one member appointed by the labor
15 organization that is the exclusive representative of the bus drivers
16 of the public agency. If there is no exclusive representative of the
17 bus drivers, a bus driver member shall be chosen by a majority
18 vote of the bus drivers employed by the agency. The members of
19 the Route Review Committee shall be selected not more than 30
20 days after receipt of a public agency proposal to equip a 45-foot
21 bus with a front mounted bicycle rack. The review shall include a
22 field review of the proposed routes. The purpose of the Route
23 Review Committee is to ensure the safe operation of a 45-foot bus
24 that is equipped with a front mounted bicycle rack. The Route
25 Review Committee, by a unanimous vote, shall make a
26 determination of which routes are suitable for the safe operation
27 of a 45-foot bus that is equipped with a front mounted bicycle rack.
28 These determinations shall be consistent with the operating
29 requirements specified in subparagraph (A). It is the intent of the
30 Legislature that the field review required under this subparagraph
31 include consultation with traffic engineers from affected public
32 agencies that have jurisdiction over segments of the route or routes
33 under review, to ensure coordination with all effected state and
34 local public road agencies that may potentially be impacted due
35 to the operation of a 45-foot bus with a front mounted bicycle rack.
36 (11) (A) A house car of a length of up to 45 feet when operating
37 on the National System of Interstate and Defense Highways or
38 when using those portions of federal aid primary system highways
39 that have been qualified by the United States Secretary of
40 Transportation for that use, or when using routes appropriately

1 identified by the Department of Transportation or local authorities;
2 with respect to highways under their respective jurisdictions.

3 (B) A house car described in subparagraph (A) may be operated
4 on a highway that provides reasonable access to facilities for
5 purposes limited to fuel, food, and lodging when that access is
6 consistent with the safe operation of the vehicle and when the
7 facility is within one road mile of identified points of ingress and
8 egress to or from highways specified in subparagraph (A) for use
9 by that vehicle.

10 (C) As used in this paragraph and paragraph (10), “reasonable
11 access” means access substantially similar to that authorized for
12 combinations of vehicles pursuant to subdivision (c) of Section
13 35401.5.

14 (D) An access route established by a local authority pursuant
15 to subdivision (d) of Section 35401.5 is open for access by a house
16 car of a length of up to 45 feet. In addition, local authorities may
17 establish a process whereby access to services by house cars of a
18 length of up to 45 feet may be applied for upon a route not
19 previously established as an access route. The denial of a request
20 for access to services shall be only on the basis of safety and an
21 engineering analysis of the proposed access route. In lieu of
22 processing an access application, local authorities, with respect to
23 highways under their jurisdiction, may provide signing, mapping,
24 or a listing of highways, as necessary, to indicate the use of these
25 specific routes by a house car of a length of up to 45 feet.

26 (e) The Legislature, by increasing the maximum permissible
27 kingpin to rearmost axle distance to 40 feet effective January 1,
28 1987, as provided in paragraph (4) of subdivision (b), does not
29 intend this action to be considered a precedent for any future
30 increases in truck size and length limitations.

31 (d) A transit bus equipped with a folding device installed on or
32 after January 1, 1999, that is permitted under subparagraph (B) of
33 paragraph (3) of subdivision (b) or under paragraph (9) of
34 subdivision (b) shall be additionally equipped with any of the
35 following:

36 (1) An indicator light that is visible to the driver and is activated
37 whenever the folding device is in an extended position.

38 (2) Any other device or mechanism that provides notice to the
39 driver that the folding device is in an extended position.

1 ~~(3) A mechanism that causes the folding device to retract~~
2 ~~automatically from an extended position.~~

3 ~~(e) (1) A person may not improperly or unsafely mount a~~
4 ~~bicycle on a device described in subparagraph (B) of paragraph~~
5 ~~(3) of subdivision (b), or in paragraph (9) or (10) of subdivision~~
6 ~~(b).~~

7 ~~(2) Notwithstanding subdivision (a) of Section 23114 or~~
8 ~~subdivision (a) of Section 24002 or any other provision of law,~~
9 ~~when a bicycle is improperly or unsafely loaded by a passenger~~
10 ~~onto a transit bus, the passenger, and not the driver, is liable for a~~
11 ~~violation of this code that is attributable to the improper or unlawful~~
12 ~~loading of the bicycle.~~